

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
March 2009**

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
BBR, LLC Spirit Lake (3)	UPDATED	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Motion for Leave to Amend Order Granting Leave Amended and Substituted Petition Trial Date	9/19/06 4/18/07 6/12/07 6/18/07 6/18/07 4/08/09
Branstad, Monroe Winnebago Co. (2)		Animal Feeding Operation	Prohibited Discharge; Water Quality Violations	Referred to Attorney General	Referred	11/10/08
Bulk Petroleum Corporation 28 Sites (1) (6)	UPDATED	Underground Tank	Operation and Maintenance Violations	Referred to Attorney General	Referred Petition Filed Trial Date Amended Petition Motion to Compel Discovery Motion for Summary Judgment Order Compelling Discovery Motion for Sanctions Order Granting Partial Summary Judgment Trial Date	6/19/06 2/01/07 10/01/08 9/24/08 11/14/08 12/17/08 1/13/09 1/28/09 1/30/09 4/06/09
Clinton, City of (6)		Wastewater	Compliance Schedule; Discharge Limits	Referred to Attorney General	Referred	9/19/05
Creston Bean Processing, LLC Creston (4)		Air Quality	Operational Violations; Monitoring/Reporting	Referred to Attorney General	Referred	9/04/07
Dallas Pork, et. al. Dallas Co. (5)	UPDATED	Animal Feeding Operation	EPC and IDNR Defendants	Defense	Petition Filed Consent Decree Motion to Intervene Motion to Set Aside Consent Decree State’s Resistance Hearing on Intervention Ruling Denying Intervention Motion to Enlarge and Amend By Burchfield Order Denying Motion to Enlarge And Amend	10/14/08 10/14/08 11/04/08 11/04/08 11/14/08 12/05/08 12/23/08 1/02/09 1/05/09
Des Moines, City of; Metropolitan WW Reclamation Authority (5)		Wastewater	Compliance Schedule	Referred to Attorney General	Referred	8/15/06
Dudden, Kyle Reinbeck (2)		Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	10/4/08

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Equitable L.P/The Equitable Condos Des Moines (5)	Air Quality	Asbestos	Referred to Attorney General	Referred	3/11/08
Feinberg Metals Recycling Corp., Ft. Madison (6)	Solid Waste Wastewater	Operation Without Permit; Illegal Disposal; Stormwater – Operation Without Permit	Referred to Attorney General	Referred	3/06/07
Kay, Todd Buena Vista Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Referred to Attorney General	Referred	5/13/08
Kruse Dairy Farm, Inc. Dyersville (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	12/19/05
Leigh, Marsha Glenwood (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance/Motion to Dismiss Motion to Intervene Hearing on Motion to Dismiss Ruling Denying Motion to Dismiss Resistance to Motion to Intervene Hearing on Motion to Intervene Ruling Denying Motion to Intervene Hearing on Defense Motions Motion for Judgment on Default Order Granting Default Judgment (\$100,000/Civil; \$10,000/Admin. & Injunction)	9/20/04 3/29/05 4/20/05 5/02/05 5/12/05 5/23/05 5/23/05 5/23/05 6/27/05 6/29/05 12/05/05 9/12/05 12/7/05
Lincolnway Energy, Inc. Nevada (5)	Wastewater	Discharge Limits	Referred to Attorney General	Referred	12/04/07
Matrix Metals d/b/a Keokuk Steel Castings, Co. Keokuk (6)	Air Quality	Particulate	Referred to Attorney General	Referred	9/04/07
Moellers, Kenneth Cresco (1)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Failure to Report a Release; WQ Violations – General Criteria	Referred to AG	Referred Petition Filed Trial Date	2/20/06 12/11/06 6/10/09
Oakland Foods, LLC Oakland (4)	Wastewater Air Quality	Permit Violations; Construction Without Permit	Referred to Attorney General	Referred	3/11/08

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March 2009**

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred	12/15/97
				Petition Filed	10/02/98
				Application for Temporary Injunction	2/04/99
				Temporary Injunction	4/19/99
				Trial Date	9/13/00
				Partial Judgment (Clean-up Order)	9/28/00
				Contempt Application	12/12/02
				Contempt Hearing Date	2/20/03
				Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03)	2/20/03
				Hearing Regarding Contempt	7/09/03
				Order Regarding Bond/Cleanup Deadline	8/01/03
				Bond Posted	8/01/03
				State Objections to Bond	8/20/03
				Ruling Denying Objections to Bond	9/18/03
				Status Hearing Date	4/16/04
				Hearing on Motion to Extend Cleanup Deadline	12/10/04
				Order Reinstating \$100,000 Civil Penalty	1/05/05
				Site Clean-up Completed	8/15/06
River Bluff Resort, LLC; C.J. Moyna & Sons, Inc.; P.A. McGuire Construction McGregor (1)	Wastewater	Stormwater – Pollution Prevention Plan Violations; Water Quality Violations – General Criteria	Referred to Attorney General	Referred	4/03/07
				Tax Sale by County	6/18/07
				Petition Filed	4/15/08
Roquette America, Inc. Keokuk (6)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred	9/19/06
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred	6/20/97
				Court Order	12/09/98
				Re-Referred	11/21/02
				Petition Filed	3/11/05
				Application for Contempt	3/11/05
				Contempt Hearing	4/01/05
				Order for Contempt (\$3,000 fine)	8/05/05
				Arrest Warrant Issued	4/01/05
				Contempt/Temporary Injunction Hearing	5/03/05
				Temporary Injunction Granted	5/03/05
				Contempt Hearing Date	7/06/05
				Contempt Hearing	8/05/05
				Order Finding Defendant in Contempt \$3,000 Fine	8/05/05
				Amended Petition	1/31/06
				Order Granting Judgment on Default (\$10,000/civil; injunction)	1/04/08
Sharkey, Dennis Dubuque Co. (1)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred Petition Filed	4/03/07 9/20/07
Siouxland Energy & Livestock Coop	Air Quality	Construction Without	Referred to	Referred	9/04/07

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ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
March 2009**

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Sioux Center (3)		Permit	Attorney General		
Sioux Pharm, Inc. Sioux County (3)	Wastewater	Operational Violations	Referred to Attorney General	Referred	3/11/08
Weber, Colleen Osage (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred	11/10/08
Welch Oil, Inc.; Boondocks USA, Inc. Lucas Co. (2)	Wastewater; Drinking Water	Monitoring/Reporting	Referred to Attorney General	Referred	12/04/07
Yentes, Clifford Council Bluffs (4)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Contempt Application Filed Contempt Hearing Ruling on Contempt Application (90 days jail suspended/\$500 fine) Compliance Hearing Compliance Hearing Compliance Hearing Date Compliance Hearing Compliance Hearing Date Compliance Hearing Date	4/03/07 9/21/07 9/21/07 11/05/07 11/29/07 2/18/08 4/27/08 5/28/08 6/30/08 8/04/08 9/08/08 12/05/08

**Iowa Department of Natural Resources
Environmental Services
Report of WW By-passes**

During the period January 1, 2009 through January 31, 2009, 7 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '08	7(10)	1.374	0.004	2	0(0)
November '08	10(8)	0.086	0.005	1	0(0)
December '08	9(9)	0.950	0.578	3	0(0)
January '09	7(6)	3.140	0.069	0	0(0)
February '08	11(34)	0.280	0.255	2	0(0)
March '08	13(14)	0.464	0.047	4	0(0)
April '08	7(22)	0.736	0.221	3	0(0)
May '08	13(8)	0.389	0.107	3	0(0)
June '08	3(11)	0.281	0.367	2	0(0)
July '08	12(14)	0.132	0.197	4	0(0)
August '08	9(8)	0.401	0.043	2	0(0)
September '08	11(18)	0.175	0.005	2	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
1	0	0	2	1	3

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
March, 2009**

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	4/09/07 – Internal meeting with DNR management set for 4/12/07. 5/09/07 – Clark calls Vens’ attorney and extends settlement offer. Attorney agrees to inform client and get back to Dept. with response. 5/16/07 – Response from Vens’ attorney indicating qualified agreement with settlement offer pending an inspection by DNR staff.
10/02/01	Daryl Larson	6	Order	AFO	Clark	Hearing set for 12/04/07. 11/27/07 – DNR files motion for default entry. 12/21/07 – Default entry/Proposed Decision. No appeal
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal. 6/26/07 – Appeal resolved. Facility connected to City WWTF. Consent order to be issued.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	6/6/07 - Dept. letter to Mr. Holland indicating case will be sent to DIA if settlement not reached by 6/22/07. 6/14/07 – Phone call from Mr. Holland. Tentative settlement pending receipt of swine depopulation history.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	2/2/07 – Draft Consent Order sent to attorney for new owner. 6/19/07 – Clark sends email concerning issues at other former Swine USA operations acquired by Whitestone. 6/27/07 – Whitestone attorney responds with general agreement to settlement but needs to confirm with client.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
2/27/06	Greig & Co., Inc.	3	NPDES Permit	WW	Clark	Negotiating before filing.
4/10/06	Praxair, Inc.		Permit Conditions	AQ	Preziosi	Negotiating before filing..
7/07/06	Washington County (Permittee: Riverside Casino)	6	Water Use Permit	WR	Clark	Negotiating before filing.

* These cases were previously assigned to Mike Murphy.

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
March, 2009**

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
8/09/06	Cargill (Eddyville)	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/08/07	Cargill (Eddyville) 02-A-393-S3, 02-A-394-S2, 02-A-395-S2, 02-396-S3, 05-A-930, 05-A-931	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/09/07	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
6/13/07	Crossroads Cattle Co.; John Reisz	4	Permit Conditions	WW	Clark	Negotiating before filing.
6/25/07	Rick Onken		Permit Conditions	WW	Clark	Negotiating before filing.
8/10/07	Tate & Lyle Ingredients Americas	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/10/07	Port Louisa Land Co.; E. A. Hicklin	6	Variance Denial	FP	Clark	Negotiating before filing.
9/25/07	Winneshiek County Conservation Board (Kendallville Park)	1	Permit Revision	WS	Hansen	Negotiating before filing.
11/05/07	Twin Knolls 6 th Addition	1	Permit Conditions	WS	Hansen	Sent to be set for DIA hearing.
11/15/07	Alcoa	6	Permit Conditions; Permit # 97-A-140-S2	AQ	Preziosi	Negotiating before filing.
11/15/07	Alcoa	6	Permit Conditions; Permits #85-A-067P-S2; #87-A-045P-S2; #89-A-177P-S2	AQ	Preziosi	Negotiating before filing..
11/15/07	Gary West		Permit Denial	AFO	Clark	Negotiating before filing.
1/14/08	Alliant Energy	1	Permit Conditions	AQ	Preziosi	Negotiating before filing..
2/22/08	Cliff's Place	1	Order/Penalty	WS	Hansen	Sent to be set for DIA hearing.
3/10/08	Anthony Herman; Mighty Good Used Cars	5	Order/Penalty	WW	Tack	Proposed Decision issued 10/6/08. Appealed to EPC. To be heard by EPC 4/21/2009.
4/25/08	ADM (07-A-1078P, 07-A-1079P and 07-A-1080P)	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/15/08	Brush & Weed Control Specialists, Inc. and New Farmers Drainage District	4	Order/Penalty	WW	Wornson	Hearing concluded 8/21-22/09. Briefs submitted 2/19/09.
5/20/08	Page County Sanitary Landfill	4	Permit Conditions	SW	Tack	Indefinite continuance entered by ALJ.
7/02/08	Phoenix C&D Recycling, Inc.; R&A Properties	5	Permit Rescission	SW	Tack	Consent order issued. Case closed.

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**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
March, 2009**

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7/22/08	Nichols Aluminum	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/24/08	Wellman Dynamics Corp.	5	Permit Conditions	SW	Tack	Pre-hearing conference set for 3/23/09.
10/01/08	Green Brier Subdivision	1	Permit Conditions	WS	Hansen	Negotiating before filing.
10/13/08	Sivyer Steel Corporation		Beneficial Use Denial	SW	Tack	Negotiating before filing.
10/14/08	Edna Richman	6	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
10/15/08	SSAB Iowa Inc.	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/16/08	James D. Olchefski; Hidden Valley Mobile Home Park	6	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
10/16/08	Robert A. Nicholson; Hidden Valley Mobile Home Park	6	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
11/15/08	SSAB Iowa Inc.	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/04/08	Sleep Inn Motel; Kyunghee Susie Yon	4	Order/Penalty	WW	Hansen	Negotiating before filing.
12/10/08	Pilgrim Heights Camp & Retreat Center; The Iowa Conference of the United Church of Christ; Our Sacred Space, Inc.	5	Order/Penalty	WW	Hansen	Negotiating before filing.
1/05/09	River Highlands Homeowner's Association	6	Order/Penalty	WS	Hansen	Negotiating before filing.
1/13/09	Armstrong, City of	3	Order/Penalty	WS	Hansen	Negotiating before filing.
1/15/09	Greene, City of	2	Order/Penalty	AQ	Preziosi	Negotiating before filing.
1/15/09	DeBruce Grain	4	Denial of Application	AQ	Preziosi	Negotiating before filing.

* These cases were previously assigned to Mike Murphy.

DATE: March, 2009

TO: EPC

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken during this reporting period:

Name, Location and Field Office Number Date	Program	Alleged Violation	Action	
M & K, Ltd.; The Dubuque Marina, Inc. Dubuque (1)	Underground Storage Tank	UST System Deficiencies	Consent Order \$1,000	1/15/09
Schnoebelen, Inc., Riverside (6)	Air Quality Solid Waste Wastewater	Open Burning; Illegal Disposal; Stormwater – Operation Without a Permit	Consent Order \$1,000	1/29/09
Sam Lee, Clinton Co. (6)	Animal Feeding Operation	Prohibited Discharge – Confinement	Consent Order \$3,000	1/29/09
John Kauffman Johnson Co. (6)	Animal Feeding Operation	Construction Without Permit	Consent Order \$4,000	2/9/09
Washington, City of (6)	Wastewater	Compliance Schedule	Consent Order \$5,000	2/09/09
Phoenix C & D Recycling, Polk Co. (5)	Solid Waste	Operation Permit Condition Violations	Consent Order	2/09/09
Country Aire Mobile Home Park, LLC Ogden (5)	Wastewater	Discharge Limits; Operation Violations	Consent Order \$3,000	2/09/09
CertainTeed Gypsum, Inc. Ft. Dodge (2)	Air Quality	Monitoring/Reporting	Consent Order \$5,900	2/10/09

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
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IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
March, 2009

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	ARC #	RULES REVIEW COMMITTEE	HEARING	PERIOD	COMMENT COMMISSION	FINAL SUMMARY TO ADOPTED	RULES PUBLISHED	ARC #	COMMITTEE	RULES REVIEW EFFECTIVE	RULE
1. Ch. 20, 23 – AQ Program Rules	10/14/08	11/05/08	7306B	12/10/08	12/08/08	12/09/08	1/13/09	1/13/09	2/11/09	7565B	3/06/09	*3/18/09	
2. Ch. 23 – Air Quality Program Rules – Rescission of Vacated NESHAPS	11/10/08	12/03/08	7395B	12/10/08	1/06/09	1/06/09	2/17/09	2/17/09	*3/11/09		*4/09/09	*4/15/09	
3. Ch. 35 – Air Emissions Reduction Assistance Program							3/17/09	*3/17/09	*4/03/09		*5/05/09	*3/20/09	
4. Ch. 35 – Air Emissions Reduction Assistance Program	3/17/09	*4/08/09		*5/05/09			*6/16/09	*6/16/09	*7/15/09		*8/04/09	*8/19/09	
5. Ch. 50, 55 – Water Use and Application Permit Fees – Scope of Division – Definitions - Forms-Rules of Practice	10/14/08	11/05/08	7307B	12/10/08	12/3,5,11/09	12/12/08	3/17/09	*3/17/09	*4/03/09		*5/05/09	*5/13/09	
6. Ch. 60, 62, 63 and 64 – Wastewater Rules	8/19/08	9/10/08	7152B	10/14/08	10/7-9/08	10/10/08	2/17/09	2/17/09	*3/11/09		*4/09/09	*4/15/09	
7. Ch. 61 – Antidegradation Policy and Implementation Procedures	10/14/08	11/19/08	7368B	12/10/08	12/15,17,18 1/14,15/09	1/29/09	*4/21/09	*4/21/09	*5/20/09		*6/09/09	*6/24/09	
8. Ch. 61 – Stream Reclassification; Use Assessment and Use Attainability Analyses	2/17/09	*3/11/09		*4/07/09	*4/07, 09, 14, 16/09	*4/30/09	*5/19/09	*5/19/09	*6/17/09		*7/07/09	*7/22/09	
9. Ch. 64, 69 – Wastewater General Permit #4; Wastewater Construction and Operation Permit	10/14/08	11/05/08	7308B	12/10/08	12/2-4/08	12/05/08	1/13/09	1/13/09	2/11/09	7569B	3/06/09	*3/18/09	
10. Ch. 65 – Surface Application/Frozen or Snow-Covered Ground	1/13/09	2/11/09	7570B	3/06/09	*3/16,18,20,23, 24/09	*3/27/09	*4/21/09	*4/21/09	*5/20/09		*6/09/09	*6/24/09	
11. Ch. 65 – Definitions and Regulations	1/13/09	2/11/09	7564B	3/06/09	*3/3, 4, 5/09	*3/06/09	*4/21/09	*4/21/09	*5/20/09		*6/09/09	*6/24/09	
12. Ch. 101 – Solid Waste Comprehensive Planning Requirements	10/14/08	11/05/08	7310B	12/10/08	11/25/08	11/25/08	*4/21/09	*4/21/09	*5/20/09		*6/09/09	*6/24/09	
13. Ch. 134 – Certification of Groundwater Professionals and UST Compliance Inspectors	2/17/09	*3/11/09		*4/07/09	*4/2, 6, 7/09	*4/09/09	*5/19/09	*15/19/09	*6/17/09		*7/07/09	*7/22/09	
14. Ch. 135 – UST Rules -- Assessment of Risk to Public Water Supply Wells	11/10/08	12/03/08	7400B	12/10/08	1/06/09	1/06/09	2/17/09	2/17/09	*3/11/09		*4/09/09	*4/15/09	

* Projected

Iowa Department of Natural Resources Environmental Services Division Report of Manure Releases

During the period January 1, 2009, through January 31, 2009, 523 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement	Land Application	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	15 (10)	2 (1)	8 (5)	1 (1)	2 (2)	10 (8)	4 (1)	0 (0)	0 (0)	3 (2)
November	6 (10)	0 (0)	5 (5)	0 (0)	0 (5)	5 (9)	0 (0)	0 (1)	0 (0)	0 (2)
December	4 (4)	0 (0)	3 (3)	0 (0)	1 (1)	4 (3)	0 (1)	0 (0)	0 (0)	0 (0)
January	523* (2)	0 (0)	514 (2)	0 (0)	0 (0)	258 (0)	27 (0)	18 (1)	0 (0)	1 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	548 (26)	2 (1)	530 (15)	1 (1)	3 (8)	277 (20)	31 (2)	18 (2)	0 (0)	4 (4)

(numbers in parentheses for the same period last year)

* In January 2009 a change in EPA requirements for continuous release reporting of ammonia and hydrogen sulfide from confined animal feeding operations led to a spike in the reporting by these facilities. As of the generation of this report less than 50% the continuous release reports from these facilities had been entered.

Total Number of Incidents Per Field Office this Period:

1	2	3	4	5	6
47	149	211	65	18	33

Iowa Department of Natural Resources Environmental Services Division Report of Hazardous Conditions

During the period January 1, 2009, through January 31, 2009, 60 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance				Mode				
		Agri-chemical	Petroleum Products	Other Chemicals	Transport	Fixed Facility	Pipeline	Railroad	Fire	Other*
October	82 (63)	4 (5)	59 (38)	19 (20)	17 (19)	49 (27)	3 (3)	3 (1)	0 (3)	10 (10)
November	61 (70)	15 (18)	25 (26)	21 (26)	14 (15)	33 (43)	0 (1)	4 (2)	0 (1)	10 (8)
December	49 (60)	3 (2)	28 (36)	18 (22)	18 (18)	20 (33)	0 (1)	2 (2)	0 (1)	9 (5)
January	60 (46)	3 (3)	30 (35)	27 (8)	12 (16)	40 (25)	0 (3)	1 (1)	1 (0)	6 (1)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	252 (239)	25 (28)	142 (135)	85 (76)	61 (68)	142 (128)	3 (8)	10 (6)	1 (5)	35 (24)

(numbers in parentheses for same period last year)

*Other includes dumping, theft, vandalism and unknown

Total Number of Incidents Per Field Office this Period:

1	2	3	4	5	6
4	10	11	12	13	10

Environmental Services Division Variance Report

2/24/2009

Monthly Variance Report						
January 2009						
Item No.	Facility/City	Program	DNR Reviewer	Subject	Decision	Date
1	IAC Iowa City LLC	Air Quality	Reid Bermel	Variance to construct & operate a new paint booth without obtaining a construction permit.	Approved	1/7/2009
2	Freedom Fuel LLC	Air Quality	Bryan Bunton	Variance to postpone stack testing of flare.	Approved	1/12/2009
3	Rathbun Regional Water Assoc.	Water Supply	Mark Moeller	Variance regarding the use of day tanks for chemical feed systems.	Approved	1/23/2009
4	Council Bluffs Water Works	Water Supply	Roy Ney	Variance for buried discharge pipe.	Approved	12/23/2009
5	Hartley Municipal Water Dept.	Water Supply	Monica Wnuk	Variance from separation distance requirements.	Denied	12/23/2009
6	University of Iowa	Air Quality	Reid Bermel	Variance to temporary use 6,000 grams of Methylene Chloride without modifying	Approved	1/26/2009
7	Schildberg Construction Co.	Air Quality	Reid Bermel	Variance to operate a new portable primary crusher without obtaining a construction permit.	Approved	1/26/2009
8	Louis Dreyfus Commodities Grand Junction LLC	Air Quality	Reid Bermel	Variance to allow truck traffic on unpaved roads	Approved	1/26/2009

IOWA DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE AND ENFORCEMENT BUREAU

DATE: March 1, 2009
TO: Environmental Protection Commission
FROM: Ed Tormey
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	7,486	3-15-96
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
James Harter (Fairfield)	WW	1,483	8-01-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	108	3-08-02
Charlotte Caves (Oskaloosa)	HC	9,487	4-03-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	1,701	8-18-02
Midway Oil Co.; David Requet (Davenport)	UT	5,355	9-20-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	4-23-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	2,782	6-09-03
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	6,188	3-22-04
Mike Messerschmidt (Martinsburg)	AQ/SW	500	4-13-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
Emer Carlson (Fairfield)	AQ	400	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
Mitchell Town Pump (Mitchell)	WS	2,080	6-16-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Shane Preder (Ft. Madison)	AQ	477	7-12-04
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	7-16-04
Ranch Supper Club (Swisher)	WS	300	8-02-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	100	9-11-04

*Payment Schedule

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
Americana Bowl (Ft. Madison)	WS	100	11-28-04
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
# Matt Hoffman (Plymouth Co.)	AFO	750	8-08-05
Vernon Kinsinger (Washington Co)	SW	3,930	12-31-05
# Joel McNeil (Kossuth Co.)	AFO	2,500	1 21-06
Carl Cliburn (Wapello Co.)	AQ/SW	3,474	2-03-06
Affordable Asbestos Removal, Inc. (Monticello)	AQ	7,000	4-28-06
Jeff Albrecht (Humboldt Co.)	AQ	325	5-06-06
CRM Enterprises; Envirobest, Inc. (Iowa City)	AQ	7,000	5-21-06
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000	6-29-06
# Troy VanBeek (Lyon Co.)	AFO	3,500	10-16-06
Larry Bergen (Worth Co.)	AQ/SW	757	11-01-06
Mobile World, LC; R. Victor Hanks (Clinton Co.)	WW	22,500	4-01-07
Edward Branstad; Monroe "Monty" Branstad (Forest City)	AQ	4,500	4-16-07
Colleen Weber (Mitchell Co.)	AQ/SW	1,500	6-01-07
James L. Heal; A-1 Imports (Homestead)	WW/SW	10,000	7-18-07
# Doug Orwig Site #1 (Dickinson Co.)	AFO	3,500	10-01-07
# Leland Van Kooten; Darin Van Kooten (Leighton)	AFO	5,500	12-30-07
Mark Witt; Witt Auto Salvage (Monroe Co.)	SW/WW	8,000	1-15-08
# Joshua Van Der Weide (Lyon Co.)	AFO	3,500	2-25-08
Clinton Community School District	WW	3,000	2-25-08
Mike Barrett; Jody Barrett (Polk Co.)	SW	6,200	3-05-08
William Norton (Cedar Co.)	WW	2,500	5-07-08
# Ted Dickey dba Dickey Farms (Muscatine Co.)	AQ/SW/AFO	4,000	6-01-08
# Doug Osweiler (South English)	AFO	5,000	6-01-08
# Edward Dale Klyn (Wayne Co.)	AFO	5,000	6-28-08
Karl Molyneux (What Cheer)	AQ/SW	2,500	7-19-08
Chad Hoppe; Steve Hoppe; Shady Acres MHP, (Chickasaw Co.)	WW	4,000	8-27-08
# Maple Grove Farms, LLC (Plymouth Co.)	AFO	3,500	9-05-08
Promise City, City of	WW	1,400	9-08-08
Rodney Mandernach; Mandernach Pork (Sac Co.)	AFO	4,000	10-23-08
Kevin & Candace Perry (Shelby Co.)	AQ/SW	10,000	11-07-08
George Kramer (Clinton Co.)	AQ/SW	1,500	11-09-08
J.D. Wollrab; Linn Hollow MHP (Washington Co.)	AQ/SW	1,000	11-15-08
Cottonballs, LLC (Winneshiek/Clayton)	AQ/SW	10,000	11-15-08
# Red Barn Acres, LLC (Humboldt Co.)	AFO/AQ/SW	4,000	11-29-08
Mahaska Rural Water System, Inc.; City of Rose Hill	WW	1,000	12-06-08
Axmear Pumping, LLC (Blairstown)	AFO	5,000	12-06-08
Jon Knabel (Clinton Co.)	AQ/SW	2,000	12-16-08
West Des Moines, City of	UT	1,000	1-30-09
Stuart Yoder (Johnson Co.)	AQ/SW	5,000	2-11-09
Ron and Joanne Kennedy (Council Bluffs)	UT	10,000	2-15-09
M & K Ltd.; The Dubuque Marina, Inc. (Dubuque)	UT	1,000	2-15-09
# James Boller (Kalona)	AFO	1,400	2-20-09
Ramona Gronbach; Larry Gronbach; Thomas Gronbach (Algona)	AQ/SW	3,000	2-24-09
GPS Properties, LLC; Randhawas Travel Center (Brooklyn)	WW	10,000	3-08-09
Washington, City of	WW	5,000	3-09-09

*Payment Schedule

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

Country Aire Mobile Home Park, LLC (Ogden)	WW	3,000	3-09-09
# Tommy and Debra Weaver (Cerro Gordo Co.)	AFO	5,000	3-15-09
Jerry Passehl (Latimer)	SW/WW/HC	3,000	3-22-09
Great River, L.C. (LeClaire)	WW	10,000	-----
TOTAL		460,838	

The following penalties have been placed on payment plans:

* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	1,663	12-15-03
#*Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
#*James Boller (Kalona)	AFO	3,034	8-19-04
* Reginald Parcel (Henry Co.)	AQ/SW	110	4-23-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	1,408	6-06-05
#*Tony Mertens (Mt. Pleasant)	AFO	2,644	7-20-06
* Douglas Bloomquist (Webster Co.)	AQ/SW	3,500	12-01-07
* Jack Knudson (Irwin)	UT	10,000	1-15-08
* Fred Knosby (Cumming)	AQ/SW	1,664	3-15-08
* Randy Kennedy; R K Construction & Demolition (Slater)	AQ	1,600	4-15-08
* Craig Burns (Postville)	WW	1,350	4-15-08
* Fred Miller; Earthworks Contracting (Quimby)	AQ	6,570	4-15-08
* Willey, City of	AQ/SW	1,000	6-01-09
* Chelsea, City of	WW	200	6-15-08
#*Atsma Dairy Farms; Richard Atsma (Sioux Co.)	AFP	416	2-15-09
#*Doug Hymbaugh (Ringgold Co.)	AQ/SW	200	12-08-08
#*James Hogan; Hogan Brothers (Jones Co.)	AFO	312	3-01-09
#*Donald Burken, Sr.; Donald Burken, Jr.; L&M Hogs (Clinton)	AFO/WW	500	2-01-09
#*Neal Rupiper (Carroll)	AQ/SW		
	AFO	562	3-10-08
* Curt and Kelly Tracy; Condev, Inc. (Union Co.)	AFO	4,473	3-11-09
#*Brian Hofmeyer (Sioux Co.)	AFO	714	3-15-08
* Hidden Valley MHP; Larry Fishback (Washington)	WW	1,000	9-15-08
* Goldsmith & Son, Inc.; J & G Pallet LLC (Sergeant Bluff)	WW	3,200	3-15-08
* John Danker (Lee Co.)	AQ/SW	139	2-22-08
#*Loren and Rhonda Van Zante (Eddyville)	AFO	500	3-30-08
#*Loren and Rhonda Van Zante (Eddyville)	AFO	600	3-30-08
#*Richard Steen; Jeff Behrens (Montgomery Co.)	AFO	6,000	8-15-09
#*Chris Hunt; Steven Hunt; Hunt Bros. Feedlot (O'Brien Co.)	AFO	1,490	3-01-09
#*Meyer Bros.; Steve Meyer (Ida Co.)	AFO	1,875	4-01-09
#*Edward Pechous (Johnson Co.)	AFO	2,000	10-15-08
* Newell, City of	AQ/SW	4,500	4-15-09
* Wirtjers Trucking, Inc. (Sac Co.)	AQ/SW	2,500	12-08-09
* Jacob Nielsen (Newell)	AQ/SW	1,900	6-15-09
#*Randy Wood (Louisa Co.)	AFO	3,425	3-15-09
#*John Kauffman (Johnson Co.)	AFO	4,000	3-15-09
TOTAL		76,549	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Gerald and Judith Vens (Scott Co.)	FP	5,000
Dallas County Care Facility (Adel)	WW	5,000

*Payment Schedule

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

# Jeff Holland (Winnebago Co.)	AFO	5,500
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
LeMars, City of	WW	9,000
Cliff's Place (Waverly)	WS	5,800
Anthony Herman; Mighty Good Used Cars (Polk Co.)	WW	7,500
Brush & Weed Control; New Farmers Drainage (Monona Co.)	WW	10,000
Edna Richman (Wapello Co.)	AQ/SW	3,000
James Olchefske; Hidden Valley MHP (Wapello Co.)	AQ/SW	3,000
Robert A. Nicholson; Hidden Valley MHP (Wapello Co.)	AQ/SW	3,000
Iowa Conference of the United Church of Christ; Our Sacred Space, Inc. (Montour)	WW	2,000
Kyungheeyon, LLC; Sleep Inn Motel (Brooklyn)	WW	2,000
Great River L.C.; River Highlands Homeowners Assoc.; River Highlands Water System Assoc. (LeClaire)	WS	10,000
Greene, City of	AQ	6,000
Armstrong, City of	WS	5,000
TOTAL		82,550

The following administrative penalties have been collected:

NAME/LOCATION	PROGRAM	AMOUNT
Pieper, Inc. (Lee Co.)	AQ	1,250
# Natural Milk Production LLP (Kirkman)	AFO	5,000
# Sam Lee (Clinton Co.)	AFO	3,000
# Carrol and Arlene Harbaugh (Clayton Co.)	AFO	2,206
# Puck Custom Enterprises, Inc. (Manning)	AFO	9,000
* Jacob Nielsen (Newell)	AQ/SW	100
* Fred Miller; Earthworks Contracting (Quimby)	AQ	50
#*James Hogan; Hogan Brothers (Jones Co.)	AFO	104
#*Donald Burken, Sr.; Donald Burken, Jr.; L&M Hogs (Clinton) PAID IN FULL	AFO/WW	500
Schnoebelen, Inc. (Riverside)	AQ/SW	
Waters Edge Homeowners Assoc.; Mark Goodwin	AQ/SW/WW	1,000
* Goldsmith & Son, Inc.; J & G Pallet LLC (Sergeant Bluff)	WW	2,000
#*Neal Rupiper (Carroll)	WW	200
#*Richard Steen; Jeff Behrens (Montgomery Co.)	AFO	188
#*Brian Hofmeyer (Sioux Co.)	AFO	1,000
* Curt and Kelly Tracy; Condev, Inc. (Union Co.)	AFO	670
#*Loren and Rhonda Van Zante (Eddyville)	AFO	190
#*Loren and Rhonda Van Zante (Eddyville)	AFO	250
CertainTeed Gypsum, Inc. (Ft. Dodge)	AFO	300
	AQ	5,900
TOTAL		32,908

*Payment Schedule

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF